

No. 22-3416

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Jun 7, 2022

DEBORAH S. HUNT, Clerk

BRIAN KEITH ALFORD,

Plaintiff-Appellant,

V.

ROBERT ZILLES, et al.,

Defendants-Appellees.

O R D E R

Before: CLAY, Circuit Judge.

This court entered an order directing Brian Keith Alford to show cause why his appeal should not be dismissed on the basis of a late notice of appeal. The order directed Alford to show timely filing of his notice of appeal by submitting a notarized statement or a 28 U.S.C. § 1746 declaration indicating the date he placed his notice of appeal in the prison mail and that first-class postage was prepaid. *See* Fed. R. App. P. 4(c). Alford submitted a § 1746 declaration indicating that he placed the notice of appeal in the prison mail on November 24, 2021, with prepaid postage. Alford has therefore satisfied his burden of producing evidence showing that his notice was timely deposited with first-class postage prepaid.

The district court entered its judgment on November 17, 2021. Any notice of appeal was due to be filed on or before December 17, 2021. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a), 26(a). The notice of appeal filed in the district court on April 18, 2022, should be treated as timely filed on November 24, 2021. *See* Fed. R. App. P. 4(c).

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Accordingly, it is ordered that the show-cause order is **WITHDRAWN**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk